



# WASHOE COUNTY

"Dedicated To Excellence in Public Service"

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CM/ACM \_\_\_\_\_  
Finance \_\_\_\_\_  
DA \_\_\_\_\_  
Risk Mgt. \_\_\_\_\_  
HR \_\_\_\_\_  
Other \_\_\_\_\_

## STAFF REPORT

BOARD MEETING DATE: August 25, 2015

**DATE:** August 12, 2015  
**TO:** Board of County Commissioners  
**FROM:** James Popovich, Specialty Courts Manager, 2<sup>nd</sup> Judicial District Court  
(775) 325-6769, [james.popovich@washoecourts.us](mailto:james.popovich@washoecourts.us)

**THROUGH:** Jackie Bryant, District Court Administrator and Clerk of Court

**SUBJECT:** Authorize the creation of two (2) Pre-Trial Services Officer I/II positions [Job class #60001160] for the Specialty Court Division of the Second Judicial District Court at an estimated total annual cost of \$151,689.62, including benefits; and direct the Comptroller's Office to make the appropriate budget adjustments. The funds identified to support these positions will come from repurposed professional service funds from the Administrative Office of the Courts and fees collected from Adult Drug Court in Internal Order 20215. (All Commission Districts)

### SUMMARY

The approval of the hiring of two Pre-trial Service Officers I/II positions ("Officers") will allow the Specialty Court Division of the Second Judicial District Court to assign one Officer to the Adult Drug Court Program and one Officer to the Diversion Court Program. The Second Judicial District Court currently has Officers assigned to Mental Health Court, Veterans Court, DUI Court, and Prison ReEntry Court. The goal is to provide consistent services for all of our Specialty Court participants.

An integral part of these Courts' success and that deemed as a best practice is the incorporation of effective case management. These case management services provided by the Officers will include referrals and follow-up for academic, occupational, financial management, and housing services, as well as compliance monitoring. The Officers are also participating members of each Specialty Court team providing participant updates and recommendations during weekly staffing and Court proceedings. The Officers are responsible for maintaining the States' internal case management system, DCCM, as well as preparing the dockets for each Court proceeding. The Officers are essentially the information hub and the liaison between the Court and other team members including the Public Defender's Office, District Attorney's Office, Parole and Probation, treatment providers, and the drug testing provider.

AGENDA ITEM # 5.B.

County Priority supported by this item: Safe, secure, and healthy communities. It also supports the District Court's goal to alleviate jail overcrowding.

### **PREVIOUS BOARD ACTION**

There has been no previous Board action as to the creation of these positions. However, in December 2005 the Board of County Commissioners approved one-half of the offender fees collected for the Adult Drug treatment costs be deposited in a District Court AB 29 internal order and one-half remain in the general fund. (Previous board item attached). In collaboration with the County, this current board item would rescind the previous agreement and the one-half of Adult Drug Court fees collected that were sent to the General Fund will remain in the Court's internal order. These funds in the internal order will be used to support these two (2) new Officer positions along with funds repurposed from the Administrative Office of the Courts.

### **BACKGROUND**

The Adult Drug Court is the original Specialty Court in our Judicial District, established in 1995 under the auspices of Judge Peter Breen. The Adult Drug Court provides defendants charged with drug-related crimes with outpatient treatment services and random drug testing for one year, followed by six months of Continuing Care. In addition to treatment services and drug testing, participants have been provided referral services for academic, occupational, financial, and housing services. The program lasts for a minimum of 18 months. The current caseload for the Adult Drug Court is 331.

The Diversion Court was established in 2000 for defendants who meet the statutory definition of diversion in NRS Chapters 453 and 458 as applied to defendants who are designated as alcoholics or addicts by the sentencing court. This Court requires a less intensive treatment program and testing regimen than Adult Drug Court, with a required program length of 18 months. Integrated case management services as well as compliance monitoring are additional components to the Diversion Court Program. The current caseload for the Diversion Court is 155.

In December 2005 the Board of County Commissioners approved one-half of the offender reimbursements collected for the Adult Drug contract treatment costs be deposited in a District Court AB 29 internal order and one-half remain in the general fund. (Previous board item attached). In collaboration with the County, this current board item would rescind the one-half sent to the General Fund and permit the Court to keep those funds in the internal order. The funds in the internal order will be used support these two (2) new Officer positions along with funds repurposed professional service from the Administrative Office of the Courts.

### **FISCAL IMPACT**

The fiscal impact is an expense of \$151,689.62 annually, including benefits. The Second Judicial District Court will be discontinuing its contract with Case Management Services, Inc. for Life Skills services, effective October 1, 2015. With prior approval by the

Administrative Office of the Courts, this will allow for \$118,973 to be used annually for the two (2) new Officer positions.

In December 2005 the Board of County Commissioners approved one-half of the offender reimbursements collected for the Adult Drug contract treatment costs be deposited in a District Court AB 29 internal order and one-half remain in the general fund. (Previous board item attached). Under that previous agreement the District Court and the Board agreed to split AB 29 fees received by the Adult Drug Court (Internal Order 120511 and 20115) equally. In the previous two fiscal years, the total amount of AB 29 fees collected was \$181,993 and \$172,773. Thus the County's share of these fees ranged from \$86,386 and \$90,996. In FY16, the amount of fees budgeted in each internal order is \$85,000.

The rescission of this agreement will therefore increase the fees retained by the Court by \$85,000 per year, which will be used to support these two (2) new Officer positions in addition to the funds repurposed from the Administrative Office of the Courts. The Court and the County agree that if these funding sources cease to exist these positions will be defunded or will be supported by other existing court funding (e.g., other salary savings).

The funding supporting these two (2) positions is in Internal Order 20215 and will be adjusted as follows for the initial 9-month period in FY16 to coincide with the period of savings for the cancellation of the professional service contract:

IO #20215	701110 - Base Salaries	78,499.20
IO #20215	705110 - Group Insurance	12,150.00
IO #20215	705210 - Retirement	21,979.78
IO #20215	705230 - Medicare	1,138.24
IO #20215	710100 - Professional Services	(89,231.00)
IO #20215	710312 - Special Dept Expense	(24,536.21)

### **RECOMMENDATION**

It is recommended that the Board of County Commissioners authorize the creation of two (2) Pre-Trial Services Officer I/II positions [Job class #60001160] for the Specialty Court Division of the Second Judicial District Court at an estimated total annual cost of \$151,689.62, including benefits; and direct the Comptroller's Office to make the appropriate budget adjustments. The funds identified to support these positions will come from repurposed professional service funds from the Administrative Office of the Courts and fees collected from Adult Drug Court in Internal Order 20215.

### **POSSIBLE MOTION**

If the Board agrees with the request, move to authorize the creation of two (2) Pre-Trial Services Officer I/II positions [Job class #60001160] for the Specialty Court Division of the Second Judicial District Court at an estimated total annual cost of \$151,689.62, including benefits; and direct the Comptroller's Office to make the appropriate budget

adjustments. The funds identified to support these positions will come from repurposed professional service funds from the Administrative Office of the Courts and fees collected from Adult Drug Court in Internal Order 20215.

Copy: Hon. David Hardy, District Court Chief Judge  
Hon. Peter Breen, Senior Judge  
Jackie Bryant, District Court Administrator and Clerk of Court  
Heather Potts, Court Fiscal Services Administrator  
Joey Orduna Hastings, Assistant County Manager  
Keith Munro, Deputy District Attorney  
Human Resources  
Budget Agenda Coordinator  
Comptroller



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Finance \_\_\_\_\_  
DA MC  
Risk Mgt. \_\_\_\_\_  
HR GR  
Other \_\_\_\_\_

## STAFF REPORT BOARD MEETING DATE: December 13, 2005

**DATE:** November 1, 2005  
**TO:** Board of County Commissioners  
**FROM:** Darin Conforti, Assistant Court Administrator  
**THROUGH:** Ron Longtin, Court Administrator  
**SUBJECT:** Recommendation that the Board of County Commissioners authorize retroactive to July 1, 2005: (1) Second Judicial District Court specialty court staffing costs currently paid by AB 29 funds be paid by County general funds; (2) Second Judicial District Court specialty court contract costs currently paid by County general funds be paid by AB 29 funds; and (3) one-half of the offender reimbursements collected for specialty court contract treatment costs be deposited in AB 29 internal orders. It is further recommended, that the Board direct the Finance Department and Human Resources Department to make the appropriate accounting and personnel changes.

### SUMMARY

This item is presented to the Board of County Commissioners to stabilize the funding support for the Second Judicial District Court's Specialty Court programs. Currently, the staffing costs for certain specialty court positions are paid by AB 29 administrative assessments. AB 29 revenue is not stable. Because staffing costs are fixed from year to year, the Court has limited flexibility to adjust these costs based on the amount of AB 29 revenue that is received. On the other hand, treatment contract costs which the Court can adjust based on available revenue are primarily paid with the more stable County general funds. Approval of this action would stabilize staffing funding and give the Court better ability to adjust specialty court operations to the variable funding received from AB 29.

Specialty court contract costs supported by the County general fund for FY 2006 total \$329,440. Staffing costs supported by AB 29 funds for FY 2006 total \$231,756. Therefore, shifting the support would save the County \$97,684 in expenditures for FY 2006. Because offender fees collected in the specialty courts are reimbursements for contract costs that would be paid with statutorily designated funds, the Court is also requesting the Board direct one-half these reimbursements for FY 2006 be deposited into the AB 29 accounts that pay for the contracts. The additional revenue from reimbursements deposited in the AB 29 internal orders would help the Court to make up for the added expenditure cost of picking up the contract costs.

County Priority/Goal supported by this item: Improve Public Safety and Improve Government Efficiency and Financial Stability

AGENDA ITEM # 8P

### **PREVIOUS ACTION**

In the District Court's FY 2005- 2006 approved budget the Board of County Commissioners authorized funding for the Specialty Court Coordinator position to be changed from AB 29 to County general fund support.

### **BACKGROUND**

Assembly Bill 29 was passed in the 2003 Legislative Session. The bill authorized the assessment of an additional \$7 in fees to support specialty court programs. AB 29 fees are collected at courts throughout the state and deposited in an account with the State Administrative Office of the Courts. Each year, courts with specialty court programs compete for AB 29 funding. Each court applies for funds, and the Interim Specialty Court Funding Committee of the Judicial Council meets to determine how much funding each court will receive.

During the 2003 Legislative Session, the Legislature also eliminated State General Fund support to District Court specialty court programs. For the Second Judicial District, this action resulted in the loss of a \$175,000 in annual funding. In addition, these legislative actions were taken in the same year the Board of County Commissioners required 4% and 7% budget reductions for all funding units. For the District Court, the bulk of the budget reduction was made in the Adult Drug Court, which was cut by \$183,175.

The Second Judicial District Court has been using AB 29 funds to maintain specialty court operations. The funds support treatment contract costs for adult drug court and family drug court. AB 29 also supports two Pre-Trial Services Officer positions that provide case management services to mental health courts and one Integrated Case Services Manager. In addition, a federal grant supporting one Pre-Trial Services Officer position for Mental Health Court expired in September. The Court budgeted for AB 29 funds to pick-up the expense for this position.

Supporting fixed staffing costs with variable AB 29 funds limits the Court's ability to manage specialty court operations within available resources. In FY 2004, the District Court received \$699,920 from the Judicial Council. In FY 2005, the Court received \$399,500. And for FY 2006, the Judicial Council has approved the Court receive \$600,497. For FY 2007, the AOC has indicated that it will have about a \$1 million less AB 29 funds to distribute. The Court is planning to receive far less funds in FY 2007, approximately \$200,000 less. If AB 29 funds solely supported contract costs, the Court would have greater flexibility to respond to the fluctuations in funding without compromising the essential staffing support needed for the specialty courts.

The Second Judicial District Court is currently the only Court in the State receiving AB 29 funds to support staffing. This difference is a point of contention in the competition for funds, particularly with the Eighth Judicial District (Clark County). Using AB 29 funds for contract treatment costs should help the Court better compete for scarce funds.

The Court is also requesting the County Commissioners authorize one-half of client reimbursements for treatment contract costs be deposited into the AB 29 accounts. Currently, reimbursements are being returned to the County general fund. If AB 29 revenues pay the contract costs, the reimbursements for those contract costs seem appropriately deposited in the AB 29 internal orders because these are statutorily

designated dollars. These additional funds would be used to offset the increase in contract costs picked up by AB 29. The Court is requesting one-half of the reimbursements be returned to AB 29 accounts at this time because many of the reimbursements coming in are offsets to contract costs partially paid by the County. In the future as all reimbursements are offsets to costs paid exclusively with AB 29 funds, the Court would recommend the full percentage of reimbursements be reinvested in the specialty courts.

**FISCAL IMPACT**

The estimated FY 2006 fiscal impact for the proposed board item would be a shift in contract expenditures of \$329,440 from County general fund to AB 29 internal orders and a shift of personnel costs of \$231,764 from AB 29 internal orders to County general fund. The net effect would be a decrease in County general fund supported expenditures of \$97,684.

Redirecting the deposit of client reimbursements from County general fund to the designated AB 29 internal orders would result in a loss of revenue to the County general fund. Year to date, \$68,377 in client reimbursements have been collected. Annualized the estimated collections are \$204,000 in revenue for FY 2006. This amount would be split in FY 2005-06, resulting in a loss of revenue to the County of \$102,000 and addition of \$102,000 in revenue to support AB 29 paid specialty court contract costs.

The table below shows the specific items affected and the impact of moving the costs for FY 2006.

Item	MOVE FROM	MOVE TO	Estimated FY 2006 Fiscal Impact	
	Current Cost Center/Internal Order/ Account	New Cost Center/Internal Order/ Account	Impact to General Fund	Impact to AB 29 Internal Orders
<b>Contract Costs</b>				
Adult Drug Court Treatment Contract	120511 Account 710100	20215 Account 710100	(\$289,440)	\$289,440
Juvenile Drug Court Treatment Contract	120522 Account 710100	20218 Account 710100	(\$40,000)	\$40,000
<b>Personnel Costs</b>				
Integrated Case Services Manager POS 70000665	20215 (75%) 20217 (25%)	120511 (75%) 120521 (25%)	\$98,021	(\$98,021)
PreTrial Services Officer II POS 70004776	20218	120522	\$33,500	(\$33,500)
PreTrial Services Officer II POS 70003003	10140	120531	\$45,130	(\$45,130)
PreTrial Services Officer II POS 70004367	20219	120531	\$55,105	(\$55,105)

<b>Subtotal Expenditure Impact</b>			<b>(\$97,684)</b>	<b>\$97,684</b>
<b>Reimbursements</b>				
Adult Drug Court Client Reimbursements	120511 Account 471200	20215 Account 4714200	(\$102,000)	\$102,000
<b>Net Impact</b>			<b>(\$4,316)</b>	<b>\$4,316</b>

**RECOMMENDATION**

It is recommended that the Board of County Commissioners authorize retroactive to July 1, 2005: (1) Second Judicial District Court specialty court staffing costs currently paid by AB 29 funds be paid by County general funds; (2) Second Judicial District Court specialty court contract costs currently paid by County general funds be paid by AB 29 funds; and (3) one-half of offender reimbursements collected for specialty court contract treatment costs be deposited in AB 29 internal orders. It is further recommended, the Board direct the Finance Department and Human Resources Department to make the appropriate accounting and personnel changes.

**POSSIBLE MOTION**

If the Board agrees with the District Court's recommendation, move to authorize retroactive to July 1, 2005: (1) Second Judicial District Court specialty court staffing costs currently paid by AB 29 funds be paid by County general funds; (2) Second Judicial District Court specialty court contract costs currently paid by County general funds be paid by AB 29 funds; and (3) one-half of offender reimbursements collected for specialty court contract treatment costs be deposited in AB 29 internal orders. It is further recommended, the Board direct the Finance Department and Human Resources Department to make the appropriate accounting and personnel changes.

cc:

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- Frances Doherty, Presiding Judge
- Peter Breen, District Judge
- Ron Longtin, Court Administrator
- Sheila Leslie, Specialty Courts Coordinator
- John Powell, Assistant Court Administrator
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- Joanne Ray, Human Resources Director
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<b>Subtotal Expenditure Impact</b>			<b>(\$97,684)</b>	<b>\$97,684</b>
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**RECOMMENDATION**

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**POSSIBLE MOTION**

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